

# Proposed Marijuana Code Revisions

Affecting the Lewis County Code

Eric Eisenberg, Deputy Prosecuting Attorney

# Proposed Marijuana Code Revisions

## ROADMAP:

- Summary of Existing Law
- Summary of Proposed Revisions
- Scope of What Is (and Is Not) Proposed
- Where Are We in the Process?
- Your Questions and Comments

# Summary of Existing Law

## State Law

- I-502 creates market for recreational marijuana (MJ)
- Liquor and Cannabis Board adopts Chapter 314-55 WAC
- Producer, Processor, and Retailer
  - Producer: grow, harvest, package, and wholesale
  - Processor: process, extract, package, label, and wholesale
  - Retailer: sell MJ and related products at retail
- “Cradle to Grave” tracking of MJ as consumable
  - Produced, distributed, marketed, labelled, sold, taxed
  - Lighting and security rules, too
- As of Summer 2015, includes medical MJ

# Summary of Existing Law

## State Law

- Operating plan under WAC 13-55-020(11)-(12)
- Addressed in Ch. 13-55 WAC but not in operating plan:
  - Zoning (WAC 13-55-020(15))
  - Building/Fire Codes (WAC 13-55-020(15), 314-55-104)
  - Business Licensing (WAC 13-55-020(3), (15))
  - Solid / Liquid Waste (WAC 314-55-097(2), (6))\*
- Not addressed in WACs but applicable to other businesses:
  - Public Water

\*in operating plan, but WACs reference local laws

# Summary of Existing Law

## State Law

- Why do the WACs refer to, but not talk in detail about, things like zoning, building/fire, solid waste, wastewater, public water, or business licensing?
- Because the local government usually regulates those things.
- The State law assumes, in its regulations, that normal local laws will be in effect for MJ businesses.

# Summary of Existing Law

## County Code

- Zoning (Permissible Uses of Land) - Title 17 LCC
- Building & Fire Safety - Chapter 15.05 LCC
- Group B Public Water Supplies - Chapter 8.55 LCC
- On-Site Sewage Systems - Chapter 8.40 LCC
- Solid Waste Disposal - Chapters 8.15 + 8.45 LCC
- All of the above predate/did not consider MJ specifically
- Local Marijuana Business License Chapter 5.20 LCC
  - For MJ business in unincorporated County
  - From 2013; doesn't apply to medical MJ
  - Doesn't address zoning/health issues

# Summary of Proposed Code Revisions

**General Idea: Consider MJ in county code and “plug” code compliance into local license**

- I.e., to get local license, must demonstrate compliance with the zoning, waste, wastewater, public water, and building/fire regulations.
- Detailed operating plan: piggyback on State operating plan
- Grant the license based on sticking to operating plan
- Take steps toward civil enforcement, like other code
- Apply to all MJ activity, including medical

# Summary of Proposed Code Revisions

## Considering MJ in county code

- Theme: treat MJ the same as other businesses except where special circumstances dictate otherwise
  - Regulatory - MJ has its own laws
  - Factual - MJ has some of its own safety issues
  - “Supremacy” - MJ is federally illegal

Full details on proposals:

[http://lewiscountywa.gov/communitydevelopment/  
planning-division](http://lewiscountywa.gov/communitydevelopment/planning-division)



# Summary of Proposed Code Revisions

## Considering MJ in county code

- Zoning - MJ production, processing, and retail each permitted in certain zones and prohibited in others, like other kinds of land use
  - Special Use Permit required because of special MJ circumstances (WACs about distance from schools, increased likelihood of DUIs or law enforcement need)
- Building/Fire Codes: Adopt and refine rules from State Building Code Council re: building requirements for greenhouses & processing facilities, incl. fire/explosion reduction requirements for extraction facilities

# Summary of Proposed Code Revisions

## Considering MJ in county code

- Solid Waste - designate a facility to handle MJ waste, incorporate 50/50 rule from WAC. May need an inspection to make sure 50/50 rule is complied with.
- Wastewater - authorize waste “triage” by septic official (sewage vs. industrial wastewater vs. hazardous waste), apply septic code to MJ wastes comparable to sewage handled by our septic code, refer to Dept. of Ecology for wastewater not comparable.
  - makes explicit for MJ what LCC 8.40.060 says for all non-MJ wastes

# Summary of Proposed Code Revisions

## Considering MJ in county code

- Public Water
  - Treat like any other business: public water requirements depend on nature of water source and public's/employees' access to water for human consumption (including handwashing)
  - Exception: a MJ producer or processor in a single family residence (normally exempt) must meet public water requirements
  - Why? Because production & processing can involve pesticides or chemicals that affect water quality

# Summary of Proposed Code Revisions

## Considering MJ in county code

- Fees
  - Generally, normal fees for relevant code-compliance inspections/permits apply
  - Exception #1: a fee for the issuance of the MJ license because of staff time
  - Exception #2: a fee for potential solid waste inspection, if needed --- no one else has 50/50 rule, so no one else has such an inspection

# Summary of Proposed Code Revisions

## What is and is not in proposal?

- Not “legalizing” MJ in Lewis County
  - Existing license ordinance (from 2013) contains federal compliance requirement --- which can’t be obtained
  - Proposed revisions do not change this
- Why adopt regulations for something if you can’t currently get a license to do it?
  - Federal law could change; code will be ready
  - If BOCC were persuaded to remove federal requirement; code will be ready

# Proposed Code Revisions

## Where are we in the Process?

- Planning Commission studied issue and made recommendations with public input
- Local Impacts Committee reviewed and commented
- Relevant county employees met multiple times to compile this information and produce draft regulations
- Public input from you on drafts
- Public hearing before BOCC on what to adopt
- **THIS IS ONLY A PROPOSAL. IT CAN CHANGE BASED ON YOUR INPUT.**

# Your Turn

Comments? Questions?

Concerns? Suggestions?

You can also send written comments to:

Lee Napier, Director  
Dept. of Community Development  
2025 NE Kresky Avenue  
Chehalis, WA 98532  
[Lee.Napier@lewiscountywa.gov](mailto:Lee.Napier@lewiscountywa.gov)

Eric Eisenberg  
Prosecuting Attorney's Office  
345 W. Main St, Second Floor  
Chehalis, WA 98532  
[Eric.Eisenberg@lewiscountywa.gov](mailto:Eric.Eisenberg@lewiscountywa.gov)

**Next Meeting: June 29, 2016 at 6PM**  
**Lewis County Historic Courthouse**  
**351 NW North St**  
**Chehalis, WA**